

PATENT  
Docket No.: US010197  
Customer No. 000024737

### REMARKS

By this amendment, claims 1-16 and 18-20 have been amended. Claims 1-20 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, and allowance of the application, as amended, is respectfully requested.

#### Specification

The disclosure was objected to for reasons stated in the office action. By this amendment, the specification has been amended on page 2, line 4 to provide appropriate correction. Accordingly, objection to the specification is believed overcome. Withdrawal of the objection is respectfully requested.

While not having been objected to in the office action, the title has been amended herein for similar reasons to the amendment to the disclosure.

#### Rejection under 35 U.S.C. § 102

##### Claim 1

Claim 1 recites a method of automatically generating a list of favorite media selections of a user of a media presentation device offering a plurality of media selections, comprising: recording for each of a plurality of selections a total time that each of the plurality of selections have been selected on the media presentation device over a particular period of time, wherein recording includes: (i) for each occurrence of selecting one of the plurality of selections over the particular period of time, at least recording in a first table entries of a start time, an end time, and a corresponding selection identification number, wherein a total time per occurrence corresponds to a difference between the end time and the start time, and deleting from the first table entries that no longer occur within the particular period of time, and (ii) periodically referencing the first table to perform at least one of generating and updating a second

PATENT  
Docket No.: US010197  
Customer No. 000024737

longer occur within the particular period of time, **and** (ii) *periodically referencing* the first table to perform at least one of *generating and updating a second table*, wherein the at least one of *generating and updating* the second table includes *consolidating entries* of the *first table per selection* to calculate a cumulative total time for each of the plurality of selections that have been selected over the particular period of time and recording at least each cumulative total time as an entry of the second table, **and deleting entries** of the *first table* that were used to calculate the cumulative total time entries of the second table; and **generating from** the entries of the **second table a favorite selection list**, the favorite selection list including up to N selections of the plurality of selections corresponding to those most frequently selected as determined from the recorded cumulative total time each of the plurality of selections has been selected over the particular period of time, wherein N is a predetermined number of selections to be included on the favorite selection list.

Therefore, the rejection is not supported by the Klosterman et al. reference and should be withdrawn.

Accordingly, claim 1 is allowable and an early formal notice thereof is requested.

Dependent claims 3, 4, 7 and 12 depend from and further limit independent claim 1 and therefore are allowable as well.

Claim 13 is similar to claim 1 and is now believed allowable for similar reasons stated above with respect to the allowability of claim 1.

Dependent claims 16 and 20 depend from and further limit independent claim 13 and therefore are allowable as well.

#### **Rejection under 35 U.S.C. § 103**

Claims 2, 8, 9, 11 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348). Applicant respectfully traverses this rejection for at least the following reasons. Claims 2, 8, 9 and 11 depend from allowable base claim 1 and claim 14 depends from allowable base claim 13. More particularly,

PATENT  
Docket No.: US010197  
Customer No. 000024737

claims 2, 8, 9 and 11 depend from and further limit, in a patentable sense, allowable independent claim 1 and therefore are allowable as well. In addition, claim 14 depends from and further limits, in a patentable sense, allowable independent claim 13 and therefore is allowable as well.

Claims 5 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of applicants admitted prior art. Applicant respectfully traverses this rejection for at least the following reasons. Claim 5 depends from allowable base claim 1 and claim 18 depends from allowable base claim 13. More particularly, claim 5 depends from and further limits, in a patentable sense, allowable independent claim 1 and therefore is allowable as well. In addition, claim 18 depends from and further limits, in a patentable sense, allowable independent claim 13 and therefore is allowable as well.

Claims 6 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of applicants admitted prior art. Applicant respectfully traverses this rejection for at least the following reasons. Claim 6 depends from allowable base claim 1 and claim 19 depends from allowable base claim 13. More particularly, claim 6 depends from and further limits, in a patentable sense, allowable independent claim 1 and therefore is allowable as well. In addition, claim 19 depends from and further limits, in a patentable sense, allowable independent claim 13 and therefore is allowable as well.

Claims 10 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Kiyoura et al. (US 4841506). Applicant respectfully traverses this rejection for at least the following reasons. Claim 10 depends from allowable base claim 1 and claim 15 depends from allowable base claim 13. More particularly, claim 10 depends from and further limits, in a patentable sense, allowable independent claim 1 and therefore is allowable as well. In addition, claim 15 depends from and further limits, in a patentable sense, allowable independent claim 13 and therefore is allowable as well.

PATENT  
Docket No.: US010197  
Customer No. 000024737

Claim 17 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Tanaka (US 5617571). Applicant respectfully traverses this rejection for at least the following reasons. Claim 17 depends from allowable base claim 13. More particularly, claim 17 depends from and further limits, in a patentable sense, allowable independent claim 13 and therefore is allowable as well.

### Conclusion

It is clear from all of the foregoing that independent claims 1 and 13 are in condition for allowance. Dependent claims 2-12 and 14-20 depend from and further limit independent claims 1 and 13, respectfully, and therefore are allowable as well.

The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced.

An early formal notice of allowance of claims 1-20 is requested.

Respectfully submitted,

*Michael J. Balconi-Lamica*

Michael J. Balconi-Lamica  
Registration No. 34,291

Dated: 2/16/04

21004 Lakeshore Dr. W.  
Spicewood, Texas 78669  
Telephone: 512-461-2624  
Facsimile: 512-264-3687  
File: US010197

a-32658.49

#### CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Michael J. Balconi-Lamica

*Michael J. Balconi-Lamica*  
2/16/04